

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

QUINZELL LA'WON GRASTY,)
Petitioner,)
v.) No. 1:23-cv-193-KAC-CHS
SHAWN PHILLIPS,)
Respondent.)

MEMORANDUM OPINION & ORDER

Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. 2] and a motion for leave to proceed *in forma pauperis* [Doc. 1]. It appears from the motion for leave to proceed *in forma pauperis* that Petitioner lacks sufficient financial resources to pay the filing fee [*See* Doc. 1]. Accordingly, under 28 U.S.C. § 1915, the Court **GRANTS** Petitioner's motion for leave to proceed *in forma pauperis* [Doc. 1].

In his Section 2254 petition, Petitioner seeks to challenge his 2010 Hamilton County convictions for second-degree murder, felony murder, attempted especially aggravated robbery, and aggravated burglary [Doc. 2 at 2]. However, Petitioner previously filed an unsuccessful Section 2254 petition challenging these convictions. *See Grasty v. Parris*, 1:17-CV-247-CLC-SKL (E.D. Tenn. Sept. 19, 2019). None of the claims Petitioner seeks to bring in this action were unripe at the time of Petitioner's previous Section 2254 petition. But Petitioner either failed to bring those claims in that previous petition, or did so unsuccessfully. As such, his petition is second or successive under 28 U.S.C. § 2244(b). *See In re Hill*, No. 20-3863, 81 F. 4th 560, 567-69 (6th Cir. 2023).

Thus, Petitioner must obtain authorization from the Sixth Circuit before he may pursue this action. *See* 28 U.S.C. § 2244(b)(3). Because it does not appear that Petitioner has obtained such authorization, the Court will transfer this action to the Sixth Circuit, which may construe the petition as a request for authorization under Section 2244(b)(3). *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, the Court **DIRECTS** the Clerk to (1) transfer this entire action to the Sixth Circuit, under 28 U.S.C. § 1631 and *In re Sims*, and (2) close this case.

SO ORDERED. AN APPROPRIATE JUDGMENT WILL ENTER.

ENTER:

s/ Katherine A. Crytzer
KATHERINE A. CRYTZER
United States District Judge